

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of UNIQUE MOORE, ROBERT
HELMS, and BENJAMIN HELMS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JEWELL L. CLOSZ,

Respondent-Appellant.

UNPUBLISHED

July 24, 2007

No. 274722

Muskegon Circuit Court

Family Division

LC No. 04-032787-NA

Before: Murphy, P.J., and Talbot and Servitto, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to three minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

Respondent claims that the trial court erred when it found sufficient facts to support the statutory grounds for termination. To terminate parental rights, a trial court must find by clear and convincing evidence that at least one or more facts alleged in the petition are true and come within MCL 712A.19b(3). See MCR 3.977(G)(3). We review the trial court's findings of fact for clear error, giving deference to the trial court's special opportunity to judge the credibility of witnesses who appeared before it. MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

With regard to the two older children, Unique Moore and Robert Helms, the trial court did not clearly err in finding that petitioner established by clear and convincing evidence that "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time" MCL 712A.19b(3)(c)(i). The conditions that led to the adjudication were respondent's unstable housing situation and her volatile relationship with Robert Helms. The trial court also correctly

¹ Although the trial court also referred to § 19b(3)(a)(ii) (desertion), it is clear from the record that this section only applied to the father of one of the children.

considered the instability of the home and the risk of harm to the children because of respondent's failure to make proper decisions for them.²

Respondent's reliance on *In re Sours*, 459 Mich 624; 593 NW2d 520 (1999) is misplaced because the record contains ample evidence that respondent failed to rectify the conditions that led to the adjudication. In addition to respondent's repeated problems paying for and maintaining utilities for the home, evidence showed that, in 2006, respondent hastily married a man who had not met the children, and had a history of criminal and mental health issues. Indeed, in May 2006, respondent and her new husband were involved in a domestic violence episode. During the dispute, respondent's husband threatened to commit suicide by forcing the police to kill him.

Respondent complied with some terms of her parent-agency agreement. *In re JK*, *supra* at 214. However, evidence also established that respondent lied to service providers about, among other things, her continued contact with Robert Helms. The trial court also concluded that respondent manipulated the court and the service providers. See *In re Sours*, *supra* at 638. Whether a respondent actually benefits from services is an inherent and necessary component of a treatment plan in a child protection proceeding. See *In re Gazella*, 264 Mich App 668, 677; 692 NW2d 708 (2005). Here, the trial court did not clearly err in finding that § 19b(3)(c)(i) was established by clear and convincing evidence.

We would reach the same conclusion with regard to the younger child, Benjamin Helms, except that the initial dispositional order for Benjamin was not entered until December 2005, less than 182 days before the termination petition was filed in February 27, 2006. But Benjamin's circumstances are similar to the older children because the allegations to which respondent tendered her plea of admission were the same as those underlying the adjudication for the two older children. "How a parent treats one child is certainly probative of how the parent may treat other children." See *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001) (citation omitted). Nonetheless, any error in applying § 19b(3)(c)(i) to Benjamin was harmless because the evidence also supports termination under §§ 19b(3)(g) and (j) for each child.

Finally, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the children. *In re JK*, *supra* at 209; *In re Trejo*, *supra* at 356-357.

Affirmed.

/s/ William B. Murphy
/s/ Michael J. Talbot
/s/ Deborah A. Servitto

² "A trial court may apprise itself of all relevant considerations." *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993).